

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No.: 10/566,398
Attorney Docket No.: Q92813

REMARKS

Claims 1-6 are all the claims pending in the application.

Applicant submits herewith a form PTO-1449 listing a reference (JP 2000-513912A) that was cited in the International Search Report (ISR) for the International Application. It is believed the Examiner has already considered this reference since it was cited in the ISR. Applicant respectfully requests the Examiner to initial the attached form PTO -1449 indicating consideration of that reference. Applicant also submits herewith an English translation of a communication from the Korean Patent Office in a counterpart Korean application. The references identified in the Korean communication are already of record in the present application.

The Examiner objects to the title and specification. Both are amended and it is respectfully requested that that the Examiner withdraw the objections. No new matter is introduced.

Claims 1, 5 and 6 are amended to recite detecting communication obstacles disturbing propagation of said information in the surrounding environment, and making decisions as to the communication state quality based on the detected presence or absence of communication obstacles. Support for the claim amendments is found generally in at least paragraphs [021] and [030] of the present U.S. application.

Claims 1-6 are rejected under 35 U.S.C. §102(e) as being anticipated by MacNeille. Applicant respectfully traverses the rejection.

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Claim 1, for example, is directed to a mobile communication apparatus. Among other elements, this mobile communication apparatus includes a “surrounding environment detection means for detecting communication obstacles disturbing propagation of said information in the surrounding environment” and a “communication state decision means for making decisions as to the communication state quality based on the detected presence or absence of communication obstacles.” The apparatus also includes a control means, which “transmits received information when the surrounding environment detection means detects no communication obstacles and the communication state decision means decides that the mobile unit is in a satisfactory communication state.”

In the present application detection is made not based on a communication state, but on the presence or absence of communication obstacles. Based on this detection of the presence or absence of communication obstacles, communication state quality is decided. If the quality is found satisfactory, information is transmitted. Claim 1, for example, recites “making decisions as to the communication state quality based on the detected presence or absence of communication obstacles” and transmitting “received information when the surrounding environment detection means detects no communication obstacles and the communication state decision means decides that the mobile unit is in a satisfactory communication state.”

On the other hand, the reference the Examiner cites in rejecting the claims, MacNeille, does not teach “detecting communication obstacles disturbing propagation of said information in the surrounding environment” or “making decisions as to the communication state quality based on the detected presence or absence of communication obstacles,” as required by claim 1, for example.

Although MacNeille discloses communicating information between vehicles, MacNeille differs from the present invention in that MacNeille fails to teach or suggest “making decisions as to the communication state quality based on the detected presence or absence of communication obstacles,” as recited in claim 1. For instance, in column 5, lines 26-88 of MacNeille, cited by the Examiner as allegedly disclosing this feature, such objects as urban canyons, shopping malls are cited as examples which supposedly “can” be communication obstacles. A close reading of MacNeille reveals, however, that these alleged “obstacles” are not described as obstacles to any signals but instead are cited as examples of possible (stationary) sites for installing Bluetooth units. Hence, this portion of MacNeille merely describes that the mobile communication unit also can be installed in a stationary site (as well as in a mobile object). MacNeille neither teaches nor suggests that these sites for installing Bluetooth units are communication obstacles. Even if the Examiner deems these installation sites as communication obstacles, MacNeille neither teaches nor suggests detecting the presence or absence of these sites at all. Accordingly, MacNeille does not anticipate claim 1 for at least this reason.

Further, in column 4, lines 45-52 MacNeille describes examples of vehicle components connectable to a controller 58, the components including object detection sensors. The Examiner appears to assert that these components correspond to the “surrounding environment detection means” recited in claim 1. However, MacNeille is totally silent about the function and purpose of these object detection sensors. Since MacNeille does not disclose that the object detection sensor detects “communication obstacles disturbing propagation of said information in the surrounding environment,” in as complete detail as recited in claim 1, MacNeille does not anticipate that claim also for this reason.

While it is known that in a piconet the master-slave relationship can change depending on the communication state, the Examiner appears to assert that the piconet disclosed in MacNeille in column 5, lines 4-15, which is established among a plurality of Bluetooth units, also “makes decisions as to the communication state quality based on the detected presence or absence of communication obstacles” as recited in claim 1. The Examiner also appears to assert that this portion of MacNeille discloses the claimed feature of transmitting the received information “when the surrounding environment detection means detects no communication obstacles.” However, as discussed above, the claimed communication state decision is based not on detection of the communication state, but on the presence or absence of communication obstacles which may interfere with signal transmission. MacNeille neither teaches nor suggests that MacNeille’s piconet performs these features of claim 1.

Claims 2-4, depend from claim 1 and are patentable for at least the same reasons.

Also, in rejecting claim 3, the Examiner appears to interpret MacNeille’s object detection sensor as the “imaging means” recited in claim 3. However, MacNeille does not disclose that the object detection sensor is an imaging device. In fact, MacNeille is silent about how the object detection sensor functions. Applicant has searched the MacNeille reference and finds no further reference to the object detection sensors in the disclosure of MacNeille and specifically no reference at all to the object detection sensors being an imaging means.

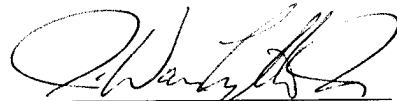
Independent claims 5 and 6 also recite surrounding environment detection means and communication state decision means. Accordingly, MacNeille also does not anticipate these claims for the reasons discussed above.

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In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373

CUSTOMER NUMBER

Date: January 3, 2007